



011504

15992 U.S. PTO

**UTILITY PATENT APPLICATION TRANSMITTAL**

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

**BENDERLY****TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, **David BENDERLY**, entitled **GEMSTONE MARKING SYSTEM AND METHOD**, for a(n):

( ) Original Patent Application.

(X) Continuing Application (prior application not abandoned):

(X) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)

of prior Application No. **10/353,146**, filed on **January 28, 2003**.

( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification; 12 Total Pages. (X) Drawing(s); 1 Total Sheets.

(X) Oath or Declaration:

( ) A Newly Executed Combined Declaration and Power of Attorney:

( ) Signed.

( ) Unsigned.

( ) Partially Signed.

(X) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

( ) Power of Attorney.

(X) Return Receipt Postcard.

( ) Associate Power of Attorney.

(X) A Check in the amount of **\$385.00** for the Filing Fee.

(X) Preliminary Amendment.

( ) Information Disclosure Statement and Form PTO-1449.

( ) A Certified Copy of Priority Documents (if foreign priority is claimed) with Translation.

(X) **APPLICANT CLAIMS SMALL ENTITY STATUS.**

( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	12	0	\$9.00	\$0.00
Independent Claims	1	0	\$43.00	\$0.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$0.00
Basic Filing Fee				\$385.00
Total Filing Fee				\$385.00

Please charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: \_\_\_\_\_

Alan Israel, Attorney of Record, Reg. No. 27564

Date: January 15, 2004

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents  
Box Patent Application  
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By: \_\_\_\_\_

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